

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MAR - 7 2006

JAMES W. McCORMACK, CLERK
By: DEP. CLERK

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:06CR00074 JLH

JEREMY A. SIMPSON

DEFENDANT

ORDER

On October 4, 2002, defendant Jeremy A. Simpson was sentenced in the Western District of Tennessee (Memphis) to 48 months imprisonment, to be followed by two (2) years supervised release in case no. 2:02CR20169. Defendant's supervision commenced on September 12, 2005. By Order dated October 31, 2005, the undersigned accepted transfer of jurisdiction from the Western District of Tennessee (Memphis). A review of the CM/ECF docket sheet for the Western District of Tennessee (Memphis) indicates that the transfer of jurisdiction order was filed and docketed on November 18, 2005 in W/D TN case no. 2:02CR20169. However, the file was not transferred to the Eastern District of Arkansas until February 21, 2006.

The U.S. Probation Office submitted the attached Request for Modifying the Conditions or Term of Supervision with Consent of the Offender on December 27, 2005. Attached to the Request is a Waiver of Hearing to Modify Conditions of Supervised Release signed by the defendant on December 6, 2005. The request was granted by the Court on the same date and returned to the probation office for processing.

As noted earlier the file did not arrive in the Eastern District of Arkansas until February 21, 2006. Due to the delay in receiving the file from the Western District of Tennessee, the Request to Modify defendant's conditions of release could not be filed. Defendant's modification of conditions


of supervised release will now be in effect as of this date.

IT IS THEREFORE ORDERED that defendant Jeremy A. Simpson's conditions of supervised release are hereby modified to include the following:

Defendant shall participate, under the guidance and supervision of the probation officer, in a substance abuse treatment program which may include testing, outpatient counseling, and/or residential treatment; and shall abstain from the use of alcohol during the course of treatment.

All other conditions of supervised release remain unchanged and in full force and effect as previously imposed.

IT IS SO ORDERED this 7th day of March, 2006.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE

United States District Court

for the

Eastern District of Arkansas

**Request for Modifying the Conditions or Terms of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 12 2005

JAMES W. McDERMACK, CLERK
DEP. CLERK

Name of Offender: Jeremy A. Simpson

Case Number: 4:05CR00096-01 JLH

Name of Sentencing Judicial Officer: Honorable Samuel H. Mays, Jr., U.S. District Judge
Western District of Tennessee

October 31, 2005: Jurisdiction accepted in the Eastern
District of Arkansas by the Honorable J. Leon Holmes,
Chief U.S. District Judge

Offense: Felon in possession of a firearm

Date of Sentence: October 4, 2002

Sentence: 48 months' Bureau of Prisons, 2 years' supervised release, mandatory drug
testing, and \$100 special assessment

Type of Supervision: Supervised release

Date Supervision Commenced: September 12, 2005

Expiration Date: September 11, 2007

Asst. U.S. Attorney: Jana K. Harris

Defense Attorney: Federal public defender to be
assigned

U.S. Probation Officer: Elaine P. Staton

Phone No.: 870-972-5189 or 870-935-1510

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Defendant shall participate, under the guidance and supervision of the probation officer, in a substance abuse treatment program which may include testing, outpatient counseling, and/or residential treatment; and shall abstain from the use of alcohol during the course of treatment.

CAUSE

On October 27, 2005, a home visit was conducted to collect a random urine sample for testing. However, prior to the urine collection, Mr. Simpson admitted to using marijuana laced with what he believed to be methamphetamine on or about October 24, 2005.

On December 6, 2005, Mr. Simpson reported to the U.S. Probation Office and provided a urine sample for testing. He admitted that he used marijuana and methamphetamine frequently prior to his visit that date and signed an admission of drug use form. Mr. Simpson acknowledged this as a violation of his conditions of release and is agreeable to attend substance abuse counseling.

Name of Offender: Jeremy A. Simpson

4:05CR00096-01 JLH

Attached is a CJA 23 financial affidavit for appointment of counsel.

Elaine Staton by ARSElaine P. Staton
U.S. Probation Officer

Date: December 20, 2005

Jana K. HarrisJana K. Harris
Assistant U.S. Attorney

Date: 12-20-06

This form is to be filed with Criminal Docketing as a motion.

THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

J. Allen Holas

Signature of Judicial Officer

December 27, 2005

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

Approved:

Alan E. Schumel

Supervising U.S. Probation Officer

EPS/khm

c: Assistant Federal Public Defender, 1401 West Capitol Avenue, Suite 490, Little Rock, AR 72201
Assistant U.S. Attorney, Jana K. Harris, P.O. Box 1229, Little Rock, AR 72203

PROB 49

Waiver of Hearing to Modify Conditions
of Supervised Release

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF ARKANSAS

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions Supervised Release:

The defendant shall participate, under the guidance and supervision of the probation officer, in a substance abuse treatment program which may include testing, outpatient counseling, and/or residential treatment; and shall abstain from the use of alcohol during the course of treatment.

Witness: Clair Daton
U.S. Probation Officer

Signed: Jeremy Simpson
Supervised Releasee

12/6/05
DATE